

# REZONING

## Application Guide

### *CITY OF PLEASANT HILL*

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#### **WHAT IS A REZONING?**

The City's Zoning Ordinance classifies all property into various zoning classifications which control both land uses and development standards. California state law requires zoning to be consistent with the City's General Plan. It is possible that the existing zoning which conforms to the General Plan can be changed (to either a more or less intensive use) and still be consistent because General Plan land use designations are more broadly defined. Amendments to the General Plan may also require a subsequent rezoning to provide consistency. This guide pertains to all rezonings except Planned Unit Developments, which are covered in a separate guide.

In reviewing a proposed change of zoning, the request is evaluated for its consistency with the General Plan and its compatibility with the surrounding development. A rezoning will be evaluated on its community-wide benefit and enhancement of orderly growth, not whether it increases property value. Residential densities will not necessarily be zoned at the highest General Plan density range.

The City of Pleasant Hill's ability to grant Rezoning amendments was limited by an initiative, Measure B, passed in June 1986. This initiative prohibits rezoning to increased densities or to change land use unless specific conditions are met. Prior to submitting an application for a General Plan amendment, an applicant should first review Measure B to determine if the City can grant the request.

#### **ARE THERE SPECIFIC FINDINGS FOR A REZONING?**

The City must make specific findings on two issues. Positive finding must be made on the following:

1. The proposed rezoning is consistent with the General Plan.
2. The proposed rezoning is consistent with Measure B.

The City will consider the effect the proposed amendment will have on service levels of public facilities and how the proposed amendment will better implement the goals of the General Plan. Additionally, any proposal for an amendment must be consistent with Measure B.

## **WHAT ARE THE STEPS?**

**Step 1** Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss with staff the preliminary proposal. The staff can, if requested, respond in writing regarding project conformity with the General Plan, the environment, neighborhood concerns, and other issues potentially involved with the application.

**Step 2** Filing the Application - Application for a Rezoning should be made on the Community Development Department's Application for Development Review Form by the City. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including descriptive information necessary to permit adequate review of the proposed rezoning. A filing fee will be required for each Rezoning application in the amount set by the City Council.

A Community Development Department staff member will be assigned to review the application materials for completeness and to prepare a staff report to the Planning Commission. Additional information may be required as staff review of the project progresses.

**Step 3** Environmental Review - Most rezonings will require an environmental impact report (EIR). When a rezoning accompanies a General Plan amendment and is processed concurrently, thus, one EIR will serve both applications. After submittal of a completed Environmental Information Questionnaire by the applicant, an Initial Study will be completed by the Community Development Department which contains a preliminary evaluation of project relationships to the General Plan and its potentials for significant adverse environmental effects. If the Initial Study indicates no significant impact potentials, a Negative Declaration (a brief statement describing why an environmental impact report is not required) will be recommended for Planning Commission approval. If, on the other hand, the Initial Study indicates that significant adverse environmental effects may occur, preparation of focused studies or an EIR may be required for Planning Commission review and City Council certification.

### **Step 4**

Planning Commission hearing - The Planning Commission is required to hold at least one public hearing on the rezoning application. The hearing does not have to be held within any specified time, but staff usually schedules the hearing at the same time as an accompanying General Plan Amendment. At least 10 days prior to the hearing, a notice will be published in the Contra Costa Times newspaper and notices mailed to all property owners and residents within 300 feet of the proposed rezoning.

Following completion of required environmental documentation, the staff will prepare a report which includes: (1) a description of the proposal; and (2) a summary of its relationship to relevant General Plan provisions, as well as its environmental, land use, traffic, and other implications. A copy of this report will be sent to the applicant during the week preceding the Planning Commission hearing. Copies will also be available for public review at the Community Development Department.

At the public hearing the staff will present its report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The Planning Commission may then close the public hearing and make a recommendation to the City Council to approve the request, deny the request, or may postpone the decision or continue the public hearing to a later date so that more information can be provided. Eventually, the Planning Commission will be make a recommendation to the City Council.

**Step 5** Following the Planning Commission recommendation, the City Council will hold a public hearing on the proposal along with the recommendation of the Planning Commission.

At the public hearing the staff will present the Planning Commissions report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The City Council may then close the public hearing and make a decision approving or denying the request.

## **WHAT MUST BE SUBMITTED?**

All submittal information required in the General Submittal Requirements Checklist shall be presented including the Application for Development Review form, related fees to the Community Development Department before the application can be accepted as complete. A letter will be sent to the applicant within 30 days indicating whether the application is complete or incomplete (with reasons), along with the name of the planner processing the application.

## **MAY A DECISION BE APPEALED?**

Because a rezoning amendment is a legislative act, which the City Council makes the final determination, there are no appeal procedures.